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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,816	03/05/2002	Masamichi Akashi	03500.016251	3000
5514 7590 05/20/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER HUNTSINGER, PETER K				
ART UNIT 2625		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,816

Applicant(s)

AKASHI, MASAMICHI

Examiner

Peter K. Huntsinger

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10, 18, 20, 22 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 18, 20, 22 and 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/28/08 have been fully considered but they are not persuasive.

The applicant argues on pages 13-14 of the response in essence that:
The system of Fan '706 does not associate a dynamically allocated port with the sending node.

a. Fan '706 discloses that the firewall may determine which additional port numbers should be dynamically opened in response to a received packet from a sending node (col. 7-8, lines 61-67, 1-10). ACL items, which include port numbers, may be added to an ACL to ensure return traffic (col. 11, lines 28-35). Therefore, dynamically allocated port numbers may be associated with a sending node.

The applicant argues on pages 13-14 of the response in essence that:
The system of Fan '706 is not controlled so that it does not execute any process if the sending node is not associated with the port.

b. Fan '706 discloses that the ACL specifies which TCP destination ports are allowed for an IP source address (col. 8, lines 32-59). Any port not specified in the ACL is dropped (step 408 of Fig. 7, col. 9, lines 32-39, packet is dropped).

Claim Objections

2. Claims 18 and 22 are objected to because of the following informalities: In claim 18, line 26 should be changed to "wherein said control step further comprises executing a process". Claim 22 requires a similar correction. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 18, 22, 38, 39, 41, 42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan '706 and Kayashima '366.

Referring to **claim 8**, Fan '706 discloses a data processing apparatus (network device 301 of Fig. 3, col. 6, lines 26-44) which communicates with a computer via a network, said data processing apparatus, comprising:

a storage unit that stores therein a connection limitation table including connection limitation information (col. 5, lines 16-21, Access Control List) in which discrimination information of a computer and a port number are associated with each other (col. 8, lines 49-59, specifies the address of communicating hosts and the port numbers they communicate with);

a reception unit that receives a request transmitted from an external apparatus via the network, wherein the request includes a kind of data process to be executed

(col. 3, lines 9-16, receiving a packet and identifying an application associated with the packet);

a port number notifying unit that notifies a port number of a dynamically allocated port for the kind of data process included in the request received by said reception unit (col. 7-8, lines 61-67, 1-10, firewall determines which additional channels should be dynamically opened);

a registration unit that correlates discrimination information of the external apparatus which transmitted the request (IP source address) and the port number (destination port) which was notified by said port number notifying unit with each other, forms connection limitation information (col. 8, lines 32-59, IP source address and destination port compared against an ACL), and registers the formed connection limitation information in the connection limitation table stored by said storage unit (col. 11, lines 28-35, adding new ACL items to ensure return traffic);

a data receiving unit that receives data addressed to the allocated port, from an external apparatus (col. 7, lines 41-51, allow packet transmission); and

a control unit that discriminates whether or not the connection limitation information in which the port number corresponding to the allocated port of the data received by said data receiving unit and the discrimination information of the external apparatus which transmitted the data received by said data receiving unit are associated with each other has been registered in the connection limitation table by said registration unit (col. 10, lines 1-9, processes the packet) (col. 8, lines 32-59, ACL specifies which TCP destination ports are allowed for an IP source address),

wherein said control unit controls not to execute the process corresponding to the allocated port based on the data received by said data receiving unit in a case where it is discriminated that the connection limitation information has been registered in the connection limitation table, and controls not to execute the process corresponding to the allocated port based on the data received by said data receiving unit in a case where it is discriminated that the connection limitation information has not been registered in the connection limitation table (step 408 of Fig. 7, col. 9, lines 32-39, packet is dropped) (col. 8, lines 32-59, ACL specifies which TCP destination ports are allowed for an IP source address), even though the data processing apparatus has been permitted to communicate with the external apparatus which transmitted the data received by said data receiving unit (col. 3, lines 45-55, firewall does not prevent host from communication with external node).

Fan '706 discloses port number negotiation, but does not disclose expressly notifying the external apparatus of a port number.

Kayashima '366 discloses a port number notifying unit that notifies a external apparatus of a port number (col. 10, lines 44-46, server notifies the port number to the client computer).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to notifying a computer of a port number. The motivation for doing so would have been to inform the computer sending information a port number in which to utilize for communication. Therefore, it would have been obvious to combine Kayashima '366 with Fan '706 to obtain the invention as specified in claim 8.

Referring to **claim 18**, see the rejection of claim 8 above.

Referring to **claim 22**, see the rejection of claim 8 above.

Referring to **claim 38**, Fan '706 discloses a discriminating unit that discriminates whether or not to permit communication with the external apparatus (col. 8, lines 32-59, IP source address and destination port compared against an ACL),

wherein said port number notifying unit notifies the port number in a case where said discriminating unit discriminates to permit the communication with the external apparatus (col. 7-8, lines 61-67, 1-10, firewall determines which additional channels should be dynamically opened).

Kayashima '366 discloses a port number notifying unit that notifies a computer of a port number (col. 10, lines 44-46, server notifies the port number to the client computer).

Referring to **claim 39**, Fan '706 discloses wherein the discrimination information of the external apparatus is an IP address of the external apparatus (col. 8, lines 32-59, IP source address and IP destination address).

Referring to **claim 41**, see the rejection of claim 38 above.

Referring to **claim 42**, see the rejection of claim 39 above.

Referring to **claim 44**, see the rejection of claim 38 above.

Referring to **claim 45**, see the rejection of claim 39 above.

5. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan '706 and Kayashima '366 as applied to claims 8 and 18 above, and in further view of Yonenaga '872.

Referring to **claim 10**, Fan '706 discloses a data processing apparatus, but do not disclose expressly the data processing apparatus is a printer.

Yonenaga '872 discloses a computer that includes a printer (col. 1, lines 56-67).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a printer within a computer. The motivation for doing so would have been to increase the portability of a computer-printer system. Therefore, it would have been obvious to combine Yonenaga '872 with Fan '706 and Kayashima '366 to obtain the invention as specified in claim 10.

Referring to **claim 20**, see the rejection of claim 10 above.

6. Claims 40, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan '706 and Kayashima '366 as applied to claims 8, 18, and 22 above, and in further view of well known prior art.

Referring to **claim 40**, Fan '706 discloses said port number notifying unit notifying of a plurality of different port numbers but does not disclose expressly notifying a port number corresponding to a print process or a port number corresponding to a managing process.

Official Notice is taken that it is well known and obvious in the art for a port number to correspond to a printing process and for a port number to correspond to a managing process. At the time of the invention, it would have been obvious for the system of Fan '706 to notifying the external apparatus (as taught by Kayashima '366) a printing port number or a managing port number. The motivation for doing so would have been to designate certain port number to certain applications. Therefore, it would

have been obvious to combine well known prior art with Fan '706 and Kayashima '366 to obtain the invention as specified in claim 40.

Referring to **claim 43**, see the rejection of claim 40 above

Referring to **claim 46**, see the rejection of claim 40 above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625